

ORDINANCE NO. 2004-022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, KNOWN AS THE "PALM BEACH COUNTY PARKS AND RECREATION ORDINANCE"; PROVIDING FOR THE AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATION OF PARK TRAFFIC, PROPERTY, WILDLIFE, AND RECREATIONAL ACTIVITIES; PROVIDING FOR REGULATION OF ANIMALS, FIREARMS, FIREWORKS AND ALCOHOLIC BEVERAGES; PROVIDING FOR PARK USAGE, RESERVED PARK/FACILITY AREAS, SANITATION AND POLLUTION CONTROL; PROVIDING FOR REGULATION OF COMMERCIAL ACTIVITIES, AIRCRAFT, AND PUBLIC UTILITIES; PROVIDING FOR PARK HOURS; PROVIDING FOR ENFORCEMENT, PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE NO. 96-44; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 125.01(f), Florida Statutes, grants Palm Beach County the power to provide parks, preserves, playgrounds, recreation areas and other recreational facilities for the welfare of its citizens; and

WHEREAS, it is necessary to repeal Ordinance No.96-44, to conform with federal and state law and to provide for more efficient and effective operations of Palm Beach County parks and recreation areas.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. TITLE

This Ordinance may be cited as the "Palm Beach County Parks and Recreation Ordinance."

SECTION 2. AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION

Subject to the direction of the Board of County Commissioners or the County Administrator, all powers, duties and authorities relating to the operation of the Palm Beach County

1 Parks and Recreation system for the Board of County Commissioners, are vested in the Director of
2 Parks and Recreation unless specifically vested elsewhere by the provisions of this Ordinance. In
3 the absence of the Director of Parks and Recreation, a Supervisor over the Director of Parks and
4 Recreation, or an individual specifically appointed by the County Administrator, may assume the
5 powers, duties, and authority vested by this section.

6
7 **SECTION 3. DEFINITIONS**

8 The following terms when used in this Ordinance shall have the meanings ascribed to them
9 in this section:

10 (A) **BEACH, WATER AREA, WATERPARKS OR POOL.** Any beach, water area,
11 waterpark or pool designated by the Board of County Commissioners as such, within any park
12 property, either on the ocean or inland, including the actual sand beach, if any, used for swimming
13 and wading.

14 (B) **DEPARTMENT.** The term "the Department" when used herein is defined as the
15 "Palm Beach County Parks and Recreation Department".

16 (C) **DIRECTOR.** The terms "Director" or "Parks Director" when used hereinafter are
17 defined as the Director of the Palm Beach County Parks and Recreation Department or his designee

18 (D) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a
19 result of direct or indirect, deliberate or accidental actions by humans, which may include, but not
20 be limited to, domestic, semi-domestic or feral animals.

21 (E) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to
22 South Florida.

23 (F) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
24 and "areas operated and maintained by the Department" may include, but is not limited to, parks,
25 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses,
26 community centers, museums, auditoriums, ranges, lakes, streams, canals, lagoons, waterways,
27 pools, waterparks, water areas and beaches therein and all on grounds, water areas, buildings and
28 structures in Palm Beach County which are under the control of or assigned for upkeep,
29 maintenance or operation by the Department.

1 (G) **PARKING AREA.** Any designated part of any park road, drive or area that is
2 designated for the standing or stationing of any vehicles.

3 (H) **PARK PROPERTY.** The term "park property" is defined to cover all areas, grounds,
4 buildings, locations and facilities described in the foregoing section "F".

5 (I) **PERMIT.** The term "permit" means a document or certificate provided by the
6 Department granting permission for use of reserved park/facility areas and which sets forth terms
7 and conditions applicable thereto.

8 (J) **PERSON.** The word "person" includes natural persons, firms, associations, joint
9 ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all
10 other groups and combinations.

11 (K) **VEHICLE.** The term "vehicle" means any wheeled conveyance (except a baby
12 carriage or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by
13 motor such as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle; (2)
14 animal-drawn such as a carriage, wagon, or cart; (3) self-propelled such as a bicycle, tricycle, or
15 skateboard; or (4) towed such as a trailer of any size, kind or description. "Vehicle" does not
16 include any recreational or park transportation service operated or authorized by the Department.

17
18 **SECTION 4. REGULATION OF VEHICLES WITHIN PARKS**

19 (A) All applicable state or local vehicle laws are enforceable within park property.

20 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic
21 and parking laws of this County including the Palm Beach County Parking Ordinance, codified in
22 Chapter 19 of the County Code, as may be amended, and enforce all rules and regulations set forth
23 by the Department within park property. Park personnel, authorized and designated by the
24 Director, may direct traffic and enforce the rules and regulations set forth by the Department with
25 park property.

26 (C) The Director shall determine and all persons shall carefully observe and obey all
27 traffic signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for
28 proper control and the safeguarding of life and property.

29 (D) Notwithstanding Paragraph (A) above, where a public road traverses a County

1 Park, said road shall be open to all through traffic permitted on any County road or highway, but
2 such through traffic shall conform to park speed and traffic regulations.

3 (E) No person driving, operating, controlling or propelling any vehicle whether
4 motorized, horse drawn, or self-propelled, shall use any other than the regularly designated paved
5 or improved park roads, pathways, trails, or driveways, except when directed to do so by a law
6 enforcement officer or Department employee or by official signs or markings. No driver or
7 operator of any vehicle shall obstruct traffic or stop on any road or driveway except those places so
8 designated.

9 (F) No person shall park a vehicle on park property at any place other than in the
10 regular designated facilities provided for that particular type of vehicle, unless directed otherwise
11 by a law enforcement officer or Department employee or by official signs or markings. No driver
12 or operator of any vehicle shall park on any road or driveway except those places so designated.
13 No driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park
14 property after posted closing hours.

15 (G) No truck, commercial vehicle or bus shall be driven on any restricted service road
16 or property without prior authorization from the Department for the purpose of park work, service,
17 or activities.

18 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle
19 (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those
20 areas designated for such a specified use. The designated bicycle trails shall be used only by
21 pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided
22 that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the
23 designated nature trails located within Palm Beach County parks. No person shall deviate from
24 compliance with all applicable vehicle laws and regulations governing the operation of the above
25 vehicles while on park property.

26 (I) No person shall change parts, repair, wash or grease a vehicle on any
27 park roadway, parkway, driveway, parking lot or other park property. No driver of a vehicle using
28 gasoline or any other explosive mixture as source of power shall at any time fail to use an adequate
29 muffler or sound deadening device.

30

1 **SECTION 5. BUILDINGS AND OTHER PROPERTY**

2 (A) No person shall willfully mark, deface, injure in any way, displace, remove or
3 tamper with any park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines or
4 other public utilities or parts of appurtenances thereof, park signs, notices or placards whether
5 temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures
6 of equipment, facilities or park property or appurtenances whatsoever, either real or personal.

7 (B) No person shall dig, move or remove from any park area any beach sand, soil,
8 rocks, stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or
9 materials, or make any excavation by tool, equipment, or other means, or construct or erect any
10 building or structure of whatever kind, whether permanent or temporary in character, or run or
11 string any public service utility into, upon, or across such land, or affix any materials to any park
12 property, except with the prior written approval of the Director.

13 (C) No person shall excavate or remove any artifact from any archeologically sensitive
14 areas with particular concern to Native American burial grounds and living sites.

15

16 **SECTION 6. FIRE**

17 (A) No person shall build or attempt to build any fire within any park property except in
18 such areas where fireplaces or grills are provided and under such regulations as are or may be
19 specifically set forth by the Director. No person shall drop, throw, or otherwise deposit lighted
20 matches, burning cigarettes or cigars, or other flammable material within any park property.

21

22 **SECTION 7. PLANT AND WILDLIFE PROTECTION AND PRESERVATION**

23 (A) Within any park, no person shall cut, carve, or injure the bark or break off limbs
24 or branches or pick the flowers or seeds, of any tree, plant or shrub, nor shall any person dig in or
25 otherwise disturb grass areas, or install any vegetation, or in any other way injure or impair the
26 natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on
27 or about any tree or plant, or attach any rope, wire, or other contrivance therein, whether temporary
28 or permanent in character or use, without prior approval by the Director. No person shall tie or
29 hitch any animal to any tree or plant within park property.

30 (B) No person shall remove, molest, harm, frighten, kill, trap, hunt, chase, shoot

1 or throw any object at any animal, nor shall any person remove or possess the eggs, nests or young
2 of any wild animal whether alive or dead without prior approval from the Director.

3 (C) It shall be unlawful for any person to knowingly interfere with or damage any
4 humane animal trap owned by the department, or another county department or agent, or to molest
5 or release any animal caught therein.

6

7 **SECTION 8. CONTROL OF NUISANCE ANIMALS**

8 (A) The introduction, by any person, of any exotic animal or the placement,
9 abandonment or leaving of any animal in a County park is strictly forbidden.

10 (B) The feeding, by any person, of any exotic or native animal in a County park is
11 hereby strictly forbidden unless specifically authorized by the Department Director.

12 (C) Exotic animals, with the exception of those authorized by the Director, roaming free
13 in County parks are hereby declared a nuisance. The Director has the authority to establish
14 processes and procedures to control, and remove from the park, species that are declared to
15 constitute a nuisance.

16 (D) The Director is hereby authorized to declare certain native species, located in
17 identified parks, to constitute a nuisance. Native species shall be determined to be a nuisance when
18 the Director deems that the number, location, behavior or other characteristic of the native species
19 constitutes a hazard to human health and/or safety or to the resources of the particular park.

20

21 **SECTION 9. SWIMMING AND WADING**

22 (A) No person shall swim or wade in any beach, water area, waterpark or pool within
23 any park property, except where specifically designated and in compliance with such regulations as
24 to hours of the day and safety limitations for such use as set by the Department.

25 (B) In areas designated for swimming and wading, all persons shall be so covered
26 with clothing or a bathing suit so as to prevent any indecent exposure of the person.

27

28 **SECTION 10. BOATING**

29 (A) In addition to the provisions set forth in Chapter 327, Florida Statutes, the
30 following regulations shall apply to recreational area waters within park property:

- 1 (1) No person shall bring into, launch, or operate any vessel (as defined in
2 Section 327.02, Florida Statutes, as may be amended) upon any park
3 property, including designated swimming areas, except at such places as are
4 or may be designated for such use or purposes by the Board of County
5 Commissioners or the Director. Such operation or use shall be in
6 accordance with such rules and regulations as are now or may hereafter be
7 adopted by the Department. Boating permits may be required by the
8 Department for specific boating activities within park property.
- 9 (2) No person shall moor, anchor, or tie up to the bank or any wharf, dock, tree,
10 building, rock or any object or structure on the bank in waters within park
11 property or property managed by the Department unless said person does so
12 in pursuit of recreational activities of a temporary nature or unless the
13 owner of the vessel has obtained written permission from the Director,
14 except in an emergency situation.
- 15 (3) No person shall launch, dock or operate any vessel on the waters of any
16 park between the closing hour of the park at night and opening hour the
17 following morning, with the exception of designated 24 hour boating
18 facilities, nor shall any person be on, or remain on or in, any vessel in the
19 park during the said closed hours of the park, except with prior approval of
20 the Director.
- 21 (4) Boat operators shall be responsible for their own wake and liable for any
22 damage it may cause.
- 23 (5) During the staging of Department approved special events, all non-
24 participating vessels and spectators shall be prohibited from entering the
25 boat pit area and from obstructing any race, ski courses or special event.
- 26 (6) No person shall operate airboats or hovercraft within park property except
27 by approval from the Director.
- 28 (7) The Director shall have the authority to establish regulations and speed
29 limits of vessels that utilize the water areas located within park property
30 unless otherwise pre-empted by the State.

1 (B) The Department shall establish rules and regulations for use of the County's
2 permanent boat slips for dockage of vessels, managed mooring fields and other marine facilities by
3 the public. Rates for said usage shall be established by the Board of County Commissioners.

4 (C) No person shall rent, hire, or operate any vessel within park property for a
5 commercial purpose unless so permitted by the Department.

6

7 **SECTION 11. WATER SKIING**

8 (A) No person shall water ski within park property except in such places as designated
9 by the Director, and in compliance with rules and regulations as are now or may hereafter be
10 adopted.

11 (B) No person shall water ski in such manner as to endanger bystanders, swimmers,
12 other skiers, or occupants of other vessels.

13 (C) No person shall obstruct the takeoff and landing areas designated for water skiing
14 for any purpose other than for normal water skiing activities.

15 (D) No water skiing is permitted after sunset or before sunrise, except in areas
16 designated for such use.

17

18 **SECTION 12. FISHING**

19 (A) The buying or selling of fish is prohibited within park property.

20 (B) Sport fishing is allowed within park property except where specifically
21 prohibited.

22 (C) The use of a troll line for fishing purposes is prohibited within park property.
23 Set cane poles are permitted if attended.

24 (D) All applicable State laws pertaining to fishing and licensing shall be enforced
25 within Park property.

26 (E) The Director may establish specific fishing regulations for various water bodies
27 within park property.

28

29 **SECTION 13. FIREARMS**

30 No person shall use or possess firearms, weapons or trapping devices within any park

1 property except with prior approval from the Director or in any area designated by the Department
2 for such purpose. The Director shall establish rules and regulations pertaining to shooting or
3 archery ranges. Shooting into park areas from beyond park boundaries is prohibited.

4

5 **SECTION 14. PICNIC AREAS AND USE**

6 (A) Except for reserved park/facility areas, individual picnic tables and associated
7 grills are available on a "first come, first served" basis.

8 (B) No person shall use a grill or other device in such a manner as to burn, char,
9 mar or blemish any bench, table, or other object of park property nor shall any person starting a fire
10 leave the area without extinguishing said fire.

11

12 **SECTION 15. CAMPING**

13 No person shall camp within any park property except in areas designated by the Director
14 for said purpose. The Department may establish rules and regulations for designated camping areas
15 within park property. Rates for said use shall be established by the Board of County
16 Commissioners. Camping units are to be of commercial manufacture and be of flame retardant
17 material. House trailers are prohibited.

18

19 **SECTION 16. HORSEBACK RIDING**

20 No person shall engage in horseback riding within any park property except in areas
21 designated by the Director for said purpose. In areas designated for horseback riding, horses must
22 be thoroughly broken, properly restrained, and prevented from grazing and straying unattended.
23 All riders must carry proof of their horse's negative coggins test.

24

25 **SECTION 17. ANIMALS**

26 (A) Except in specified areas, domesticated animals are permitted within Park
27 property. Said animals must be restrained at all times at a distance not greater than six (6) feet in
28 length from their handler.

29 (B) No person shall bring into, nor allow to enter, any park property any non-
30 domesticated animals including, but not limited to, cattle, mules, swine, sheep, goats, fowl or

1 reptiles except where in conjunction with projects sponsored by County Departments or upon
2 permit from the Director.

3 (C) Dangerous dogs, as defined in Chapter 767, Florida Statutes, are prohibited
4 from park property.

5 (D) In conjunction with projects and facilities administered by County Departments or
6 upon permit from the Director, animals may be allowed in designated areas of the parks at specified
7 times without restraint.

8

9 **SECTION 18. ALCOHOLIC BEVERAGES**

10 (A) The sale, purchase, consumption, and possession of alcoholic beverages
11 as defined in Section 561.01(4), Florida Statutes, is hereby prohibited within park property except
12 as specifically provided in accordance with the provisions set forth herein.

13 (B) Notwithstanding the prohibition set forth in Paragraph (A) above, the possession
14 of alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for
15 purposes of storing or transporting such and not for purposes of selling or consuming such within
16 park property shall not be a violation of this Ordinance.

17 (C) The Director may designate specific areas in which alcoholic beverages may be
18 possessed and/or consumed. Designated areas may include, but are not limited to, picnic areas,
19 areas reserved for large groups, and facilities for food service. Kegs of beer or other alcoholic malt
20 liquor will be authorized only by permit and in conjunction with a reserved park facility area.

21 (D) The Director may permit, in writing, the sale, possession, and/or consumption of
22 alcoholic beverages incidental to a special event. Said permission may not exceed four consecutive
23 days.

24 (E) The Board of County Commissioners may permit the sale of alcoholic beverages
25 by private contractors who operate or manage facilities within park property including but not
26 limited to food service, performing arts, golf courses, and other facilities, as the Board of County
27 Commissioner deems appropriate.

28 (F) At its option, the County may obtain, in its name, the necessary State licensing for
29 the sale of alcoholic beverages. The County may, at its option, have such license transferred to a
30 contractor's or lessee's name, provided, however, that such licensing shall immediately revert to the

1 County upon termination, for any reason, of the contractor's agreement or lessee's lease with the
2 County. The license holder shall take all action and execute all documents necessary to effect said
3 transfer to the County.

4 (G) The permission granted under this Section shall be subject to all ordinances, laws
5 rules and regulations applicable in Palm Beach County, and any grantee shall be responsible for
6 compliance thereto. The permission granted may also be subject to, and granted with, specific
7 conditions as set forth by the Department, and the grantee shall be responsible for insuring
8 compliance thereto.

9 (H) No person who is intoxicated or under the influence of drugs will be permitted in
10 parks or recreation areas.

11 12 **SECTION 19. FIREWORKS AND EXPLOSIVES**

13 (A) No person shall bring into or have in his possession, or set off or otherwise cause
14 to explode or discharge or burn within any park property any firecrackers, torpedoes, rockets or
15 other fireworks or explosives of flammable material, or discharge them or throw them onto any
16 park property from land or water adjacent thereto. Parents or guardians shall be held strictly
17 responsible and accountable for the actions of minors. Violators will be subject to prosecution
18 accordingly.

19 (B) The Director may permit organizations and entities to conduct fireworks displays
20 within Palm Beach County Parks, subject to full compliance with the Palm Beach County Fire
21 Code or other applicable County Ordinances, or the ordinances of any municipality having
22 jurisdiction to regulate said fireworks display.

23 24 **SECTION 20. PARK USAGE**

25 (A) It is the policy of Palm Beach County to afford all citizens the opportunity to utilize
26 County parks and also to participate in free speech activities within park property to the fullest
27 extent permitted by law. The Parks and Recreation Director has the authority to establish
28 guidelines for the permitting of special events, demonstrations, gatherings, performances or other
29 mass assemblages at county parks.

30 (B) No person shall be or remain in any part of any park property between sunset and

1 sunrise or as specifically posted, The provisions of this section shall not apply to police officers or
2 department employees while in the discharge of their duties nor to persons having a permit in
3 writing issued by the department to be or remain in any part of the parks between such hours. The
4 Department Director has the authority to establish exceptions to the closing hours as set forth above
5 when it is in the interest of the public health, safety or welfare and such exceptions shall be posted.

6 (C) No person shall loiter in or around any park areas including, but not limited to,
7 restrooms, dressing rooms or bathhouses, picnic shelters/areas, wooded or natural/undeveloped
8 areas.

9
10 **SECTION 21. COMMERCIAL ACTIVITIES**

11 (A) No person shall park or station on any park property any vehicle displaying a sign
12 or notice with the intent of offering said vehicle for sale or exchange.

13 (B) No person shall advertise or offer for sale any article, material, or service, nor
14 place any stand, cart, or vehicle for the transportation, sale, trade or display of any article, material
15 or service for sale or trade within any park area unless in conjunction with a permitted use of a
16 reserved park/facility area.

17 (C) No person shall distribute, display or affix any printed materials or advertisements
18 to or within any park property. Exceptions to this rule are printed materials or advertisements
19 permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the
20 purpose of which is not solely commercial, announcements of park sponsored or sanctioned events;
21 authorized signs located entirely within concession structures, and signs or distribution of printed
22 materials in conjunction with a permitted use of reserved park/facility area.

23
24 **SECTION 22. RESERVED PARK/FACILITY AREAS**

25 Park/facility areas shall not be reserved except by permit issued by the Director. Said
26 reserved park/facility areas include athletic fields, group picnic shelters and associated facilities,
27 recreation and civic facilities, and those areas requested for use for special events. Persons
28 permitted for use of reserved park/facility areas must comply with all applicable rules and
29 regulations as may be established by the Department. Permits requested for use of reserved
30 park/facility areas for for-profit activities require approval by the Board of County Commissioners.

1
2
3 **SECTION 23. PERMITS**

4 The Director has the authority to develop permitting systems and related rules and
5 regulations for the use of Park facilities. Violations of permit requirements shall result in
6 suspension or revocation of such permit.
7

8 **SECTION 24. NOISE**

9 No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in
10 any County park. Noise shall be considered a nuisance where it produces actual physical
11 discomfort and annoyance to persons of ordinary sensibilities.
12

13 **SECTION 25. AIRCRAFT**

14 No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider,
15 balloon, dirigible, parachute or other aerial apparatus shall take off from or land within Park
16 property except in emergency law enforcement situations or when written permission has been
17 obtained from the Director.
18

19 **SECTION 26. POLLUTION OF WATERS**

20 No person shall throw, discharge or otherwise place or cause to be placed in the waters of
21 any fountain, pond, lake, stream, bay or other body of water within Park property any substance,
22 matter or thing, liquid or solid, which will or may result in the pollution of said waters.
23

24 **SECTION 27. REFUSE, TRASH AND LITTER**

25 (A) No person shall take into, dump, deposit or litter any bottles, broken glass, ashes,
26 printed material, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash upon any
27 park property. Persons shall place all bottles, broken glass, ashes, printed material, paper, boxes,
28 cans, dirt, rubbish, waste, garbage, refuse or other trash in the proper receptacles where provided;
29 where receptacles are not provided, same shall be carried away from park property by the person or
30 persons responsible for its presence and properly disposed of elsewhere.

1 (B) No person shall affix printed material or any other item to any vehicle within park
2 property other than their own vehicle.

3 **SECTION 28. PUBLIC UTILITIES**

4 Public utilities serving park property or traversing park property shall be subject to
5 reasonable regulations as may be hereafter adopted in the public interest in order to protect County
6 parks from unsightly and inconveniently located fixtures, installations and facilities.

7
8 **SECTION 29. PARK HOURS**

9 (A) Except for unusual and unforeseen emergencies and twenty-four (24) hour boat
10 launching, fishing and camping areas, all parks shall be open to the public every day of the year
11 during hours designated by the Director. The opening and closing hours shall be posted at each
12 park in order to give notice to the public.

13 (B) The Director, acting as agent of the Board of County Commissioners, may declare
14 any section or part of any park closed to the public at any time and for any interval of time, either
15 temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for
16 certain uses.

17 (C) No unauthorized person shall be or remain within park property during those
18 hours when the park is closed.

19 (D) No person shall enter upon park property which is under construction, in a state of
20 disrepair, or withheld from general public usage in the interest of public safety, health and/or
21 welfare.

22
23 **SECTION 30. ENFORCEMENT**

24 (A) It shall be the duty and responsibility of all law enforcement officers within their
25 jurisdiction to enforce all State laws, municipal ordinances, County ordinances, and County traffic
26 regulations within park property and other areas maintained and operated by the Department.

27 (B) It shall be the duty and responsibility of law enforcement officers and designated
28 Department employees to enforce all park rules and regulations. It shall be unlawful for any person
29 to do any act forbidden or fail to perform any act required by these rules or for any person to fail to
30 comply with any lawful and reasonable order given by law enforcement officers. Violators of this

1 Ordinance may be ordered to leave Park areas by law enforcement officers and designated
2 Department employees. Failure to leave once ordered constitutes a separate violation of this
3 Ordinance.

4 (C) It shall be the duty and responsibility of law enforcement officers and authorized
5 Department employees to enforce all provisions of permits issued by the Department. It shall be
6 unlawful for any person to do any act forbidden or fail to perform any act required by any permit
7 issued by the Department. Copies of regulations pertaining to reserved park/facility areas ~~may~~ shall
8 be furnished with each permit issued.

9
10 **SECTION 31. PENALTIES**

11 Failure to comply with the provisions set forth in this Ordinance shall constitute a violation
12 of a County Ordinance and shall be punished upon conviction, pursuant to Section 125.69(1),
13 Florida Statutes, by a fine not to exceed \$500.00 dollars per violation per day for as long as the
14 violation continues or imprisonment not exceeding sixty (60) days, or both fine and imprisonment.
15 Violations of this Ordinance that are continuous with respect to time may be abated by injunctive or
16 other equitable relief. The imposition of a penalty does not prevent equitable relief.

17
18 **SECTION 32. SAVINGS CLAUSE**

19 This Ordinance shall not affect or impair the processing and implementation of any permit
20 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44. All permits and
21 authorizations initiated under said Ordinance shall continue in full force and effect until completed.
22 Upon expiration of an existing permit or authorization, the permittee or authorized person must
23 apply for a new permit or seek authorization in accordance with the provisions as set forth herein.

24
25 **SECTION 33. REPEAL OF LAWS IN CONFLICT**

26 Ordinance No. 96-44 is hereby repealed in its entirety. All local laws and ordinances in
27 conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

28
29 **SECTION 34. SEVERABILITY**

30 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this

1 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such
2 holding shall not affect the remainder of this Ordinance.

3 **SECTION 35. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

4 The provisions of this Ordinance shall become and made a part of the Code of Laws and
5 Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be
6 renumbered or relettered to accomplish such, and the word "Ordinance" may be changed to
7 "Section," Article," or any other appropriate word.

8
9 **SECTION 36. EFFECTIVE DATE**

10 The provisions of this Ordinance shall become effective upon filing with the Secretary of
11 State.

12
13 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
14 County, Florida, this 17th day of August, 2004.

15
16 ATTEST:
17 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

18
19
20 By: Judith Crocker

21 Deputy Clerk

By: [Signature]

Karen T. Marcus, Chair

22
23
24 APPROVED AS TO FORM AND
25 LEGAL SUFFICIENCY

26
27
28 By: Nancy J. Dolan

29 County Attorney

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33 EFFECTIVE DATE: Filed with the Department of State on the 23 day of
34 August, 2004.

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43 STATE OF FLORIDA, COUNTY OF PALM BEACH
44 I, DOROTHY H. WILKEN, ex-officio Clerk of the
45 Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 17, 2004
DATED at West Palm Beach, FL on 10/21/04. 16
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.